IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 22667 of 2005(W)

AGAINST THE ORDER IN EP 334 2003 IN
OS.87/2002 of SUB COURT, MUVATTUPUZHA

PETITIONER:

1. ALIYAMMA, W/O. LATE ABRAHAM,
   AGED 75 YEARS, THONDUGAL HOUSE, KUTTAKKARA,
   VADUVUCODE P.O., AIKKARANAD NORTH VILLAGE,
   PUTHENCRUZ, KUNNATHUNAD TALUK.

2. ROY S/O. LATE ABRAHAM, AGED 51 YEARS,
   DO. DO.

3. BOSE, S/O. LATE ABRAHAM,
   AGED 56 YEARS, DO. DO.

4. RENJU S/O. LATE ABRAHAM,
   AGED 44, DO. DO.

5. AMBILY, S/O. LATE ABRHAM,
   AGED 42 YEARS, DO. DO.

BY ADV. SRI.M.TRIPTEN
SRI.BABY JOSEPH(B.JOSE)

RESPONDENTS:

1. THE FEDERAL BANK LTD.,
   PUZHAMTHOTTAM BRANCH, REPRESENTED BY
   THE BRANCH MANAGER.

2. K.P. SANTHI, W/O. VIDHU, AGED 28 YEARS,
   KAILAS, KANJIRAMATTOM, THODUPUZHA,
   WORKING AS TEACHER, ST. PETER'S H.S.S.
   KOLENCHERRY.

BY ADV. SRI.GEORGE KURUVILLA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	PHOTO COPY OF THE AFFIDAVIT AND PETITION DTD.27.5.2004.
EXT.P2	TRUE COPY OF ORDER IN E.P.334/2003 DTD.25.11.2004 OF SUB COURT, MUVATTUPUZHA.
EXT.P3	TRUE COPY OF ORDER IN I.A.626/2004 IN O.S.87/2002 DTD.6.10.2004.
EXT.P3a	TRUE COPY OF ORDER IN I.A.627/2004 DTD.6.10.2004.
EXT.P4	TRUE COPY OF THE ORDER IN I.A.278/2005 IN OS 87/2002 DTD.30.5.2005 OF THE SUB COURT, MUVATTUPUZHA.
EXT.P4a	TRUE COPY OF ORDER IN I.A.279/2005 DTD.30.5.2005 OF SUB COURT, MUVATTUPUZHA.

TRUE COPY

P.A.TO JUDGE

css/

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 22667 of 2005

Dated this the 22nd day of June 2007

JUDGMENT

No representation for the petitioners. In this writ petition under Article 227, the petitioners impugn the order passed by the trial court on dismissing the application for restoration of earlier application to set aside ex-parte decree. Even though stay was asked for in respect of execution proceedings which were initiated for sale of the property, this court did not grant stay but only ordered notice. The 2nd respondent Bank had entered appearance and filed a detailed counter affidavit. Obviously execution was proceeded.

Under these circumstances, I do not find any warrant for entertaining this writ petition any more. In all probability, the issue has been settled between the parties. That should be why there is no representation for either sides.

PIUS C. KURIAKOSE,

JUDGE.

dpk